

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

September 14, 2009

BCO-178

No. 09-2110

CONTINENTAL COIN FUND I RECOVERY GROUP, et al.

v.

GREGORY HOLLOWAY,
Appellant

(D.N.J. No. 95-cv-01047)

Present: MCKEE, FISHER and CHAGARES, Circuit Judges

1. Clerk's Submission for Possible Dismissal;
2. Motion by Continental Coin Fund, et al. To Dismiss;
3. Response on Behalf of Appellant to Clerk's Order for Possible Dismissal.

/s/ Pam Batts

Case Manager (267) 299-4943

ORDER

The notice of appeal was not timely filed in accordance with Fed. R. App. P. 4(a). Moreover, Appellant did not file a timely motion for reconsideration in District Court that extended the deadline for filing a notice of appeal. See Fed. R. App. P. 4(a)(4)(A) & Fed. R. Civ. P. 59(e); United States v. Fiorelli, 337 F.3d 282, 288 (3d Cir. 2003). Accordingly, Appellees' motion to dismiss the appeal is granted.

By the Court,

/s/ Michael A. Chagares

Circuit Judge

Dated: October 6, 2009

PDB/cc: Brian W. Hofmeister, Esq.

Robin J. Gray, Esq.